



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2018

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

Writ Petition (MD) No. 4568 of 2015

and

M.P (MD) No. 1 and 2 of 2015

WEB COPY

The Management
Thoothukudi District Central-
Cooperative Bank Limited,
rep. by its Joint Registrar / Managing Director,
Head Office, Ettayapuram Road,
Thoothukudi - 628 002.

... Petitioner

Vs.

1. I. Christopher
2. S. Selvan Jebathurai
3. D. Christopher Immanuel
4. J. Zionraj Joseph

5. The Management
EE 423 Udangudi Primary Agricultural
Cooperative Credit Society Limited,
29-A, Athyamurthy Bazaar,
Udangudi - 628 203.

6. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the Award passed in C.P.No.65 of 2015 dated 07.02.2015 by the Labour Court, Tirunelveli, the six respondent herein and quash the same.

For Petitioner : Mr.D.Shanmugaraja Sethupathy

For Respondents : Mrs.D.Geetha
for R1 to R4
R6-Labour Court

ORDER

The petitioner is a Cooperative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act. The respondents 1 to 4 are employees of the fifth respondent



cooperative society. They were sent on deputation to the petitioner society. The period of deputation is over and the respondents 1 to 4 herein have returned to their parent society. The respondents 1 to 4 herein filed C.P.No.65/13 before the Labour Court, Tirunelveli under Section 33(C) of the I.D. Act. The case of the said respondents 1 to 4 is that when they were sent on deputation to the writ petitioner society, a settlement under Section 18(1) of the I.D Act was entered into between the Management of the fifth respondent society and the employees. As a result of the said settlement, there was a revision of the wages. The respondents 1 to 4 wanted the writ petitioner herein to pay difference in wages as per the settlement. The writ petitioner society took the stand that the payment payable to the respondents 1 to 4 will be made only in terms of the order of deputation and therefore, it is not open to the contesting respondents herein to enforce the settlement to which, the writ petitioner was not a party. However, the Labour Court sustained the claim of the respondents 1 to 4 and allowed C.P.No.65/13 by order dated 07.02.2015. The said order is assailed in this writ petition.

2. Heard the learned counsel appearing on either parties.

3. The issue on hand can be disposed of simply on legal ground. Admittedly, the writ petitioner is a cooperative society registered under the Tamil Nadu Cooperative Societies Act, 1983. As per Section 181, the Registrar of Cooperative Society has power to issue certain directions and instructions and such directions shall be bound to be complied with by the societies. In this case, the Registrar of Cooperative Societies has issued certain instructions vide R.C.No.120296/2008/PACS 1 dated 22.02.2010, which was marked as Ex.P.2, before the Labour Court. The relevant portion of the said instructions reads as follows:-

“(3) Staff on deputation

For the staff who have been sent on deputation to other cooperative societies, settlement under Section 18(1)/12(3) of the I.D Act has to be given effect in the parent society and revised pay details should be furnished to the foreign employer for implementation.”

4. The learned counsel appearing for the workmen drew the attention of this Court to the deposition of the respective witnesses. The said witnesses had fairly admitted that such instruction was indeed issued by the Registrar of Cooperative Societies and that they are bound to comply with the same.



5. In such view of the matter, there is absolutely no merit in this writ petition and the order passed by the Labour Court is sustained. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+1cc to Mr. D. Shanmugaraja Sethupathy, Advocate Sr.No. 50663

SKN

VB/SKN/RSK/SAR2/11.06.2018/3P/3C

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